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9 **BEFORE THE**
10 **BOARD OF REGISTERED NURSING**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

12 In the Matter of the Accusation Against:

Case No. 2009-165

13 **CHANDA DENISE W. HARBOR, aka**
14 **CHANDA WHEAT HARBOR**

345 Alpine Avenue

Chula Vista, California 91910

15 Registered Nurse License No. 584294

16 Respondent.

ACCUSATION

18 Ruth Ann Terry, M.P.H., R.N. ("Complainant") alleges:

19 **PARTIES**

20 1. Complainant brings this Accusation solely in her official capacity as the
21 Executive Officer of the Board of Registered Nursing ("Board"), Department of Consumer
22 Affairs.

23 **License History**

24 2. On or about July 27, 2001, the Board issued Registered Nurse License Number
25 584294 ("license") to Chanda Denise W. Harbor, also known as Chanda Wheat Harbor
26 ("Respondent"). The license expired on September 30, 2006, and has not been renewed.

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2 **STATUTORY PROVISIONS**

3 3. Section 2750 of the Business and Professions ("Code") provides, in pertinent part,
4 that the Board may discipline any licensee, including a licensee holding a temporary or an
5 inactive license, for any reason provided in Article 3 (commencing with Code section 2750) of
6 the Nursing Practice Act.

7 4. Code section 2764 provides, in pertinent part, that the expiration of a license shall
8 not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the
9 licensee or to render a decision imposing discipline on the license. Under Code section 2811,
10 subdivision (b), the Board may renew an expired license at any time within eight years after the
11 expiration.

12 5. Code section 118, subdivision (b), provides that the suspension, expiration,
13 surrender, or cancellation of a license shall not deprive the Board of jurisdiction to proceed with
14 a disciplinary action during the period within which the license may be renewed, restored,
15 reissued or reinstated.

16 6. Code section 2761 states, in pertinent part:

17 The board may take disciplinary action against a certified or
18 licensed nurse or deny an application for a certificate or license for any of
the following:

19 (a) Unprofessional conduct, which includes, but is not limited
20 to, the following:

21 (4) Denial of licensure, revocation, suspension, restriction, or
22 any other disciplinary action against a health care professional license or
23 certificate by another state or territory of the United States, by any other
government agency, or by another California health care professional
licensing board. A certified copy of the decision or judgment shall be
conclusive evidence of that action.

24 **COST RECOVERY**

25 7. Code section 125.3 provides, in pertinent part, that the Board may request the
26 administrative law judge to direct a licensee found to have committed a violation or
27 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
28 and enforcement of the case.

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2 **CAUSE FOR DISCIPLINE**

3 **(Out-of-State Discipline)**

4 8. Respondent's license is subject to disciplinary action under Code section 2761,
5 subdivision (a)(4), on the grounds of unprofessional conduct, in that on or about November 3,
6 2006, Respondent's Registered Nurse License was suspended by the Louisiana State Board of
7 Nursing ("Louisiana Board") for non-compliance with its Recovering Nurse Program (RNP).
8 Subsequently, pursuant to the Board's Findings of Fact and Consent Order, in the case entitled,
9 *In the Matter of: Chanda Wheat Harbor*, effective June 11, 2008, Respondent's registered nurse
10 license was reinstated with probation for a period of five years with terms and conditions of
11 probation. The underlying circumstances of the disciplinary action are as follows:

12 a. On May 22, 2006, Respondent signed a three-year agreement with the
13 Louisiana Board's Recovering Nurse Program (RNP) after self-reporting Ambien abuse.

14 b. On September 11, 2006, Respondent attempted to fill a prescription for
15 Ambien.

16 c. On September 19, 2006, Respondent entered an in-patient treatment
17 program.

18 d. On September 25, 2006, Respondent signed a four-year agreement with
19 the RNP.

20 e. On November 3, 2006, Respondent's Louisiana's Nurse's license was
21 suspended for non-compliance with the RNP agreement.

22 f. On December 17, 2006, Respondent received a DUI in Alabama with an
23 admission of sniffing cans of dust cleaner. Probation was completed on June 25, 2007.

24 g. On December 19, 2006, Respondent was discharged from a treatment
25 facility for a rule violation based on the December 17, 2006, DUI arrest.

26 h. On April 5, 2007, Respondent signed another RNP agreement after having
27 completed an inpatient treatment program from February 5, 2007, to March 6, 2007.

28 i. On September 5, 2007, Respondent requested reinstatement of her

1 registered nurse license.

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3 j. On June 11, 2008, Respondent's registered nurse license was reinstated
4 with probation for a period of five years, as detailed in paragraph 8, above.

5 **PRAYER**


6 WHEREFORE, Complainant requests that a hearing be held on the matters herein
7 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

8 1. Revoking or suspending Registered Nurse License Number 584294 issued
9 to Chanda Denise W. Harbor, also known as Chanda Wheat Harbor.

10 2. Ordering Chanda Denise W. Harbor, also known as Chanda Wheat Harbor
11 to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant
12 to Code section 125.3; and,

13 3. Taking such other and further action as deemed necessary and proper.
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15 DATED: 11/26/09

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18 RUTH ANN TERRY, M.P.H., R.N.
19 Executive Officer
20 Board of Registered Nursing
21 Department of Consumer Affairs
22 State of California
23 Complainant
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